

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM ALLEN, FHARMACY RECORDS
PRODUCTION CO. a/k/a FHARMACY
RECORDS and FHARM I PUBLISHING
CO., Individually and Jointly,

CIVIL CASE NO. 05-40064

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Plaintiffs,

v.

ERIC BREED p/k/a MC BREED, UMZ
ENTERTAINMENT, RED DISTRIBUTION,
PSYCHOPATHIC RECORDS, JOHN DOES 1
THROUGH 10, ATTORNEYS AND AGENTS,
Jointly and Severally,

Defendants.

_____ /

ORDER DENYING AS MOOT MOTION TO STRIKE
AND DENYING REQUEST FOR SANCTIONS

Before the Court is a motion by Defendants to "strike Plaintiff's putative first amended complaint filed May 3, 2005 in violation of Fed. R. Civ. P. 15 with request for sanctions under Fed. R. Civ. P. 11 and 28 U.S.C. § 1927." This motion was filed on June 10, 2005. On June 16, 2005, Plaintiffs filed a "notice withdrawing amended complaint." Because Plaintiffs withdrew the amended complaint at issue, Defendant's motion to strike that pleading is moot.

Defendants also request sanctions against Plaintiffs. The Court, having reviewed the pleadings filed in this case, determines that sanctions are not appropriate for the following reasons.

First of all, Plaintiffs apparently intended to file the amended complaint as an exhibit to another pleading, not as a separate document. See Def. Ex. 1. Furthermore, Plaintiffs have withdrawn the amended complaint, making Defendants' motion to strike moot. Under these circumstances, the Court considers sanctions to be unwarranted.

ACCORDINGLY, IT IS HEREBY ORDERED that Defendant's motion to strike Plaintiffs' amended complaint [docket entry 18] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiffs' amended complaint [docket entry 14] is **DEEMED WITHDRAWN** based on Plaintiffs' notice of withdrawal [docket entry 20].

Dated: June 20, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 21, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Gregory J. Reed, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Abby C. Moskovitz, Jeffrey P. Thennisch.

s/Tammy Hallwood
Tammy Hallwood, Deputy Clerk
(810) 341-7845